

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SPENSER BRASURE, Agent for
INDEPENDENT CATERERS, INC.,

No. C 13-2277 JCS (PR)

ORDER OF DISMISSAL

Plaintiff,

v.

ALABASTER WHOLESALE NURSERY,
et al.,

Defendants.

The original complaint was dismissed with leave to amend because the allegations were conclusory and undetailed, it was not clear that this Court had jurisdiction, and plaintiff, who is not an attorney, brought this action on behalf of a corporation, which may appear only through counsel. *See* 28 U.S.C. § 1654; Civil L.R. 3-9(b); *Employee Painters' Trust v. Ethan Enterprises, Inc.*, 480 F.3d 993, 998 (9th Cir. 2007).

The amended complaint fails to cure the deficiencies of the first. Accordingly, this action is DISMISSED.¹ Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion must (1) be made through counsel; (2) contain an amended complaint alleging clear, detailed claims regarding each defendant; and (3) show that this Court has jurisdiction.

IT IS SO ORDERED.

DATED: November 6, 2013


JOSEPH C. SPERO
United States Magistrate Judge

¹ Plaintiff has consented to magistrate judge jurisdiction. The magistrate, then, has jurisdiction to issue this order, even though defendants have not been served or consented to magistrate jurisdiction. *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995) (holding that magistrate judge had jurisdiction to dismiss prisoners action under 42 U.S.C. § 1983 as frivolous without consent of defendants because they had not been served and therefore were not parties).